



February 8, 2013

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## HOUSE BILL No. 1093

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DIGEST OF HB 1093 (Updated February 6, 2013 6:18 pm - DI 69)

**Citations Affected:** IC 35-46.

**Synopsis:** Killing a law enforcement animal. Requires a court to order a person convicted of the offense of: (1) striking, tormenting, injuring, or otherwise mistreating a law enforcement animal; or (2) interfering with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer; to make restitution to the person or law enforcement agency that owns the animal for reimbursement of replacement costs of the animal if the animal is permanently disabled or killed.

**Effective:** July 1, 2013.

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### VanDenburgh, Mahan

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January 8, 2013, read first time and referred to Committee on Courts and Criminal Code.  
February 7, 2013, amended, reported — Do Pass.

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HB 1093—LS 6580/DI 69+



February 8, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-46-3-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) A person who  
3 knowingly or intentionally:

4 (1) strikes, torments, injures, or otherwise mistreats a law  
5 enforcement animal; or

6 (2) interferes with the actions of a law enforcement animal while  
7 the animal is engaged in assisting a law enforcement officer in the  
8 performance of the officer's duties;

9 commits a Class A misdemeanor.

10 (b) An offense under subsection (a)(1) is a Class D felony if the act  
11 results in:

12 (1) serious permanent disfigurement;

13 (2) unconsciousness;

14 (3) permanent or protracted loss or impairment of the function of  
15 a bodily member or organ; or

16 (4) death;

17 of the law enforcement animal.

**HB 1093—LS 6580/DI 69+**



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- 1 (c) It is a defense that the accused person:  
2 (1) engaged in a reasonable act of training, handling, or  
3 discipline; and  
4 (2) acted as an employee or agent of a law enforcement agency.  
5 (d) In addition to any sentence or fine imposed for a conviction of  
6 an offense under this section, the court:  
7 (1) may order the person convicted to make restitution to the  
8 person or law enforcement agency owning the animal for  
9 reimbursement of ~~(+)~~ veterinary bills; and  
10 (2) **shall order the person convicted to make restitution to the**  
11 **person or law enforcement agency owning the animal for**  
12 **reimbursement of** replacement costs of the animal if the animal  
13 is **permanently** disabled or killed.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1093, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 16, begin a new paragraph and insert:

"(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:

(1) may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of ~~(+)~~ veterinary bills; and

(2) **shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of replacement costs of the animal if the animal is permanently disabled or killed.**"

and when so amended that said bill do pass.

(Reference is to HB 1093 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 12, nays 0.

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